

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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Mr. Kurt A. Benshoof,  
A.R.W. By and Through His Father, Mr.  
Kurt A. Benshoof, Brett Fountain, Urve  
Maggitti,

Plaintiffs,

v.

Case No. 2:24-cv-00808-JHC

ANDREA CHIN, et al.

Defendants.

ORA: TELEPHONIC ARGUMENT

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**EMERGENCY MOTION FOR TELEPHONIC MOTION WITH CHAMBERS  
under Local Civil Rule 7(i) and 7(j) IN REF: Plaintiff Benshoof's Participation in ORDER  
TO SHOW CAUSE MOTION DUE May 19, 2025.**

On May 13, 2025, Court issued a *sua sponte* ORDER to Show Cause "why this action should not be dismissed for failure to comply with Rule 4(m)." [Dkt. #119]. Plaintiffs Urve Maggitti and Brett Fountain hereby move the court for emergency telephonic conference of all Plaintiffs as per Local Civil Rule 7 (i) and 7(j) **strictly on one issue**: Plaintiff Benshoof is incarcerated incommunicado. He can only make phone calls out, not receive any calls. Benshoof called Urve Maggitti, today May 19, 2025, stating that chambers denied his telephonic motion made under Local Civil Rule 7 (i). **This motion is not to be considered the responsive reply to Dkt. 119**, that response will be filed shortly with the court in the coming hours.

On July 3, 2024, Co-Plaintiff Benshoof has been incarcerated since the swat team arrest at his humble home church until November 27, 2024, and held incommunicado and part of the time in solitary confinement - then briefly released on GPS home monitoring program on November 27, 2024 until February 24, 2025, when Co-Plaintiff Benshoof was again incarcerated,

this time at his sentencing, taken to jail into solitary confinement and held since that time incommunicado, including from official communication with his defense legal counsel and assigned legal team members, in violation of Benshoof's sixth amendment right. On or about May 13, 2025, Benshoof was transferred to Washington Corrections Center - R Units, PO Box 900, Shelton, WA 98584. [link: <https://doc.wa.gov/information/inmate-search/default.aspx>.] Pursuant to that information, Plaintiffs respectfully move the court to judicially notice the following exhibits pursuant to ER 201:

- a) Judicial Notice Exhibit A: Incarcerated Search for Plaintiff Kurt Benshoof via Washington Department of Corrections. Accessible via <https://doc.wa.gov/information/inmate-search/default.aspx>
- b) Judicial Notice Exhibit B: Prison contact page hosted by Washington Department of Corrections. Accessible via <https://doc.wa.gov/corrections/incarceration/prisons/contact.htm#wcc>

The above Judicial Notice Exhibits shall be judicially noticed as both exhibits are judicially noticeable as publicly available information provided by Washington Department of Corrections, a state agency, which meet the requirements to be judicially noticed pursuant to Rule 201(b)(2). See *Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 (9th Cir. 2006) (holding that facts contained in public records are considered appropriate subjects of judicial notice); *United States v. Sanft*, No. CR 19-00258 RAJ, 2021 WL 5283957, at \*1 (W.D. Wash. Nov. 12, 2021) (“taking judicial notice of publicly available information by a government agency meets the requirements...”); *U.S v. Corinthian Colleges*, 655 F. 3d 984, 999, (9th Cir. 2011) (“Pursuant to Federal Rule of Evidence 201, we may also take judicial notice of ‘matters of public record,’ *Lee*, 250 F.3d at 689, but not of facts that may be ‘subject to reasonable dispute.’ *Id.* at 689.”). Additionally, all documents and the above cited facts meet the clarified test of *Khoja v. Orexigen Therapeutics, Inc.*, 899 F. 3d 988 (9th Cir. 2018).

Benshoof and Co-Plaintiffs require to have an **emergency telephonic motion with chambers for purposes of single issue:** informing chambers on the record that Benshoof is held

without any ability to communicate due to incarceration. The Motion to Show cause is issued strictly on issue of Fed. R. Civ. P. 4. Rule 4(m), and therefore does not require any participation by any of the defendants. The incommunicado nature of Benshoof's confinement undermines his ability to respond in this civil matter, violating his due process right to access courts. Federal courts recognize that inmates have a constitutional right of access to courts—particularly relevant when a pending court deadline is involved.

All Plaintiffs are in agreement and require telephonic emergency motion.

**Plaintiff's Maggitti and Fountain not litigating on behalf of Benshoof or his son A.R.W.**

Plaintiffs Maggitti and Fountain are individual pro se Plaintiffs litigating their cause(s) of action only on their own behalf.

Any and all reference to Co-Plaintiff Benshoof and his son by Maggitti and Fountain are strictly to be construed as facts on the record that directly affect Co-Plaintiff's rights to access court for redress of grievances and right to association as co-plaintiff's in this action.

Any attempt to refer that Maggitti and/or Fountain are somehow liable or responsible for actions or inactions by Co-Plaintiffs Benshoof and/or his son, are directly prejudicial to Co-Plaintiffs.

**WHEREFORE**, Plaintiffs respectfully request that the Court grant the emergency telephonic motion. In the alternative, should the Court decline a telephonic conference, it is respectfully requested that this Motion be deemed sufficient to preserve Benshoof's rights and explain his non-response to the Order to Show Cause.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Maggitti".

Urve Maggitti, Co-Plaintiff

[urve.maggitti@gmail.com](mailto:urve.maggitti@gmail.com)

917-340-0561



Brett Fountain, Co-Plaintiff

[kb407@exposelegalcorruption.com](mailto:kb407@exposelegalcorruption.com)

917-340-0561<sup>1</sup>

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<sup>1</sup> For conference call purposes

**CERTIFICATE OF SERVICE**

Maleng Regional Justice Center

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## JUDICIAL NOTICE EXHIBIT A

## News & Information

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### [Criminal History](https://doc.wa.gov/information/inmate-search/default.aspx)

# Incarcerated Search

To improve public safety the Department of Corrections publishes information about **currently incarcerated individuals**. All information provided through the application is subject to the agency's [Disclaimer and Terms of Use](#). You may [contact us](#) to obtain more information about current and former inmates and supervisees.

Enter a DOC Number or name to browse for a specific incarcerated individual. Special characters, other than hyphens and apostrophes, cannot be used. ([What is a DOC Number?](#))

### Inmate Search Results

[DOC Number](#) ↑ [Name](#)

[Age](#) [Location](#)

[WA VINE Notification](#) 

448305 BENSHOOF, KURT 55 [Washington Corrections Center - RC](#) [Register to be notified](#)

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## JUDICIAL NOTICE EXHIBIT B

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## Washington Corrections Center (WCC)

### Office Hours

Monday – Friday  
8:00 a.m. – 5:00 p.m.

### [Visiting Hours](#)

### Contact

(360) 426-4433 – Main  
(360) 427-4686 – Health  
Services  
(360) 426-4433, ext. 5227 –  
Visiting

### Physical Address

2321 West Dayton Airport  
Road  
Shelton, WA 98584

### Business Mail Address

PO Box 900  
Shelton, WA 98584

### Incarcerated Individual Mail Address

PO Box 900  
Shelton, WA 98584

- [WCC Facility Webpage](#)
- [WCC Driving Directions](#) ↗
- [WCC Driving & Parking Info](#) ↗
- [WCC Aerial Photo](#) ↗
- [WCC Prison Alerts & Notices](#)

Superintendent  
[Dean Mason](#)✉

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## Washington Corrections Center for Women (WCCW)

### Office Hours

Monday – Friday  
8:00 a.m. – 5:00 p.m.

### [Visiting Hours](#)

### Contact

(253) 858-4200 – Main  
(253) 858-4212 –  
Superintendent  
(253) 858-4216 – Assoc  
Superintendent of Operations

### Physical Address

9601 Bujacich Rd. NW  
Gig Harbor, WA 98332-8300

- [WCCW Facility Webpage](#)
- [WCCW Driving Directions](#) ↗
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Superintendent  
[Charlotte Headley](#)✉